

REMARKS

The Office action mailed 3 July 2006, has been received and its contents carefully noted. Claims 5, 9, 12, 34, 37, 40 and 42 were allowed. Claims 35, 38, 43, 45, 48 and 51-54 were rejected. Claim 44 was objected to and claims 55 and 56 were withdrawn. By this amendment, claims 35, 43, 46, 48 and 55 have been amended. Support may be found in the specification and the claims as originally filed. No statutory new matter has been added. Therefore, reconsideration and entry of the claims as amended are respectfully requested.

Rejection under 35 U.S.C. 112, second paragraph

The Examiner rejected 35, 38, 43 and 51-56 under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Examiner deemed that the phrase "the enzymatic activity of a DNA/RNA helicase" was unclear and "the vector nucleic acid" lacked antecedent basis.

Applicants respectfully assert that the claims, as amended, are clear and definite. Therefore, the rejection under 35 U.S.C. 112, second paragraph, should properly be withdrawn.

Rejection under 35 U.S.C. 102(b)

The Examiner rejected claims 46 and 48 under 35 U.S.C. 102(b) as being anticipated by Voet et al. Specifically, the Examiner indicated that Voet et al. teaches codons which read on the Examiner's interpretation of the claim limitations.

Applicants respectfully submit that the claims have been amended as the Examiner kindly suggested would overcome the anticipation rejection. Specifically, the claims have been amended to make clear that the "complement" is the complement over the full-length of the fragment of SEQ ID NO:1. Since Voet et al. does not teach any sequence which is a complement over the full-length of the fragment of SEQ ID NO:1, the claimed invention is novel.

Therefore, Applicants respectfully submit that the claims, as amended, are novel and the rejection under 35 U.S.C. 102(b) should properly be withdrawn.

Claims 55 and 56 – Request for Rejoinder

The Examiner indicated that claims 55-56 lack written description support as Applicants did not specifically identify where the specification and claims provided written description support.

Applicants respectfully submit that written description support for claims 55 and 56 may be found throughout the specification and claims as originally filed. For example, see original claims 13 and 25, paragraph 54 on page 17, paragraph 83 on page 25 and Example 5. Therefore, the specification and claims as filed provide sufficient written description support for claims 55 and 56.

Since claims 55 and 56 do not contain statutory new matter and the process claims do not go beyond the scope of the allowed product claims, Applicants respectfully request rejoinder of claims 55 and 56.

Allowable Subject Matter

The Examiner indicated that claims 5, 9, 12, 34, 37, 40 and 42 are allowable over the art and that claim 44 would be allowable if written in independent form including all of the limitations of the base claim and any intervening claim.

Request for Interview

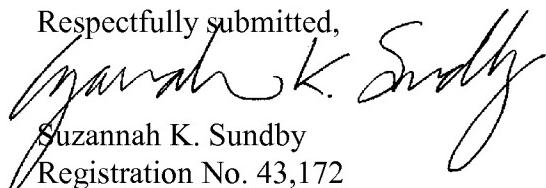
Either a telephonic or an in-person interview is respectfully requested should there be any remaining issues.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Therefore, it is respectfully requested that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 02-4300**, Attorney Docket No. **032301WD230**.

Respectfully submitted,



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